IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO. 2974 OF 2001

Narendra J. Mistry and Ors. ....Plaintiffs.

vs.

Suresh Keshavlal Shah .....Defendants

Mr. N.V. Gangal, advocate

for the plaintiffs.

None for the defendants.

CORAM: SMT. NISHITA MHATRE, J.

DATE : 27TH MARCH, 2006.

P.C. :

1. By an order dated 20.9.2005 this court while considering the Summons for Judgment had directed to deposit Rs.4,50,000/- in this court within four weeks from that date. However the defendant has failed to deposit the amount and a

non-deposit certificate is placed on record by the advocate for the plaintiff.

2. By the order dated 20.9.2005 this court had found that the defence put by the defendant had no merits and that if the defendant fails to make the deposit as directed decree would follow. I have perused the documents being the original documents which are produced on record by the plaintiff including the cheque for an amount of Rs.4,36,370/- which was dishonoured, Statement of Accounts and Contract Note issued by the defendants. All these documents disclose that the defendant had infact received the money from the plaintiff which he was expected to pay within the stipulated time. This amount has remained unpaid and the cheque has been dishonoured. Therefore the plaintiff is entitled towards the same.

3. Decree as prayed.

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